

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

SAMANTHA ZAMORA,

Plaintiff,

vs.

Case No.
3:16-CV-05028-RK

STELLAR MANAGEMENT GROUP,
INC. D/B/A QUALITY SERVICE
INTEGRITY, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF
MR. DAVID DE LEON,

produced, sworn, and examined on Tuesday,
November 22, 2016, at 10:32 a.m. of that day,
at the offices of the Paul Law Firm, Fourth and
Main Street, Pineville, Missouri, before me,
VICKIE L. SALMONS, CCR, in the above-captioned
cause; taken on behalf of the Defendants.

VOLUME I

ALPHA REPORTING SERVICE
3230-G South National
Springfield, Missouri 65807
(417) 887-4110



1 ask you to please ask me to clarify it or let me know
2 that you don't understand it. Is that all right?

3 A. Yes.

4 Q. If you need a break at any time, just let me know.
5 Okay?

6 A. Yes.

7 MR. ROSKENS: Let's go ahead and mark that, I
8 guess, just 15.

9 (Exhibit 15 marked for identification.)

10 Q. (By Mr. Roskens) David, I'm going to show you what
11 we've marked as Exhibit 15 and ask you if you've seen
12 that subpoena before.

13 A. Yes.

14 Q. And were you served with that subpoena on or about
15 September 30, 2016?

16 A. Yes.

17 Q. That subpoena required you to produce certain
18 documents, text messages, e-mails that are listed on
19 the subpoena at my office on October 17, 2016. Do
20 you see that?

21 A. Yes.

22 Q. After you received that subpoena, did you contact
23 anyone or talk to anyone about the subpoena?

24 A. No.

25 Q. Did you text message with anyone?

1 A. Yes, yes.

2 Q. Did you after receiving that subpoena on
3 September 30th delete any text messages, Facebook
4 messages, e-mails, letters, or other correspondence
5 with Samantha Zamora, her husband, or her attorneys?

6 A. No.

7 Q. Now, you were also served with a check in the amount
8 of \$147.57, correct?

9 A. Yes.

10 Q. What did you do with that check?

11 A. I used it to work on my car. I didn't have it on
12 time.

13 Q. So you -- you cashed it or deposited it?

14 A. Yes, yes. I -- I bank with Arvest.

15 Q. What happened to the text messages that you did have
16 with Samantha Zamora? Did you delete them at some
17 time?

18 A. I never did.

19 Q. You never text messaged with Samantha?

20 A. No, no. What I'm saying, I never deleted those.

21 Q. So what happened to them?

22 A. They're on my phone.

23 Q. So you think there are text messages between yourself
24 and Samantha on your phone?

25 A. Yes.

1 Q. Why did you not produce them?

2 A. Producing my cell?

3 Q. Yes. Why did you not produce copies of your text
4 messages?

5 A. Because when they said regards to my phone, I went to
6 Verizon. And they said that if somebody wanted --
7 'cause I told them it was an issue regards -- you
8 know -- how can I put it -- attorneys being involved.
9 They said that if they want them, they'll ask for
10 them. But they -- we can't give them to you.

11 So I told them, Well, give me whatever you can
12 from my phone. And they gave me Dave's phones. He
13 goes, But it won't show the lettering as what you
14 text. But it goes info -- as the phone number you
15 contacted.

16 MR. ROSKENS: Let's mark that as 16.

17 THE WITNESS: And I ask to the --

18 THE REPORTER: Excuse me.

19 (Exhibit 16 marked for identification.)

20 A. I -- me -- I went up to the manager and asked him.
21 Well, this is a serious issue. I need what I texted
22 so I can prove it was not -- they -- he goes, I'm the
23 manager. I went to the Verizon store in Rogers. He
24 goes, They know the process. They know what to do.
25 That's what he told me.

1 Q. (By Mr. Roskens) Let me hand you what we've marked as
2 Exhibit 16. That is a second subpoena that was
3 served on you as well, correct?

4 A. Yes.

5 Q. And that subpoena required you to produce the same
6 documents, but they were to be produced on
7 November 15 at the location where we're currently at,
8 the Paul Law Firm, correct?

9 A. Yes.

10 Q. And you appeared here last week, on the 15th. You --

11 A. Yes.

12 Q. Correct?

13 A. Yes.

14 Q. And you brought with you some documents; is that
15 right?

16 A. Yes.

17 MR. ROSKENS: Let's mark that as 17.

18 (Exhibit 17 marked for identification.)

19 Q. (By Mr. Roskens) David, I'm handing you what we've
20 marked as Exhibit 17. Is that the group of documents
21 that you brought with you last week in response to
22 the subpoena previously served upon you?

23 A. Yes. This is it.

24 Q. And you received those documents from Verizon; is
25 that right?

1 my intention wasn't to memorize that number.

2 Q. Does your phone still have text messages on it
3 between yourself and Samantha?

4 A. Truthfully, they -- they're there.

5 Q. They're there, yes?

6 A. They're there, yes.

7 Q. Do you understand that both subpoenas that were
8 served upon you requested you to produce copies of
9 those text messages?

10 A. After reading on this one, yes.

11 Q. Is there a reason why you have not produced --

12 A. Uh-huh.

13 Q. -- those text messages either by October 17 or today?

14 A. Because in my mind, was to do it right. And it was
15 through -- go through Verizon. This is what they
16 provided me. And when the manager told me that they
17 couldn't do it and if whoever was requesting for it,
18 they said that they would have to do it. I look at
19 it upon as, you know, I can only do so much as go to
20 Verizon. And this is my -- my info as in detail from
21 text or call, whatever, everything. It's right here.

22 Q. Do you know how to either e-mail or forward on text
23 messages that are on your phone?

24 A. Yes. But I don't do it as --

25 Q. Well, is the reason that you haven't produced text

1 messages here today because you just didn't know how
2 to do it?

3 A. I think I know how to do. But I don't do it -- say
4 that I do it often.

5 Q. Well, then my question to you is, that after
6 receiving the subpoenas, why did you not produce the
7 text messages as you're required to do in the
8 subpoenas?

9 A. Well, to me, going back, I think this was enough
10 evidence on --

11 Q. You would agree with me that Exhibit 17 doesn't
12 actually detail any of the text messages sent or
13 received from your phone as far as the content, does
14 it?

15 A. Yes.

16 Q. You're agreeing with me?

17 A. Yes, I am. I -- I respect that.

18 Q. And as we sit here today, you can't tell me which
19 number on the cell -- or on Exhibit 17 represents
20 Samantha Zamora's cell phone number, if any of those
21 numbers, can you?

22 A. No.

23 Q. Now, after you received the subpoena that we've
24 marked as Exhibit 16 -- that's the one that required
25 you to produce documents last week -- did you speak

1 A. They're both under my name.

2 Q. Do you know the account number for your Verizon
3 account?

4 A. No.

5 Q. Would you be willing to sign an authorization
6 allowing Verizon to produce to me the information on
7 your phone, such as call information, call history,
8 cell -- or text history?

9 A. Yes. I'm willing.

10 Q. Would you be willing to produce your phone so that an
11 expert could review it and try to retrieve text
12 messages between yourself, Samantha, her husband, or
13 her attorneys?

14 A. Yes. It depends too, 'cause I want my phone back.

15 Q. I understand. You would --

16 A. Uh-huh.

17 Q. -- want it -- you don't want it to be gone for very
18 long.

19 A. Yes. Certainly.

20 Q. Would you be willing to produce it so that an expert
21 could look through it to determine if there were any
22 deleted text messages or other messages between
23 yourself, Samantha, her husband, or her attorneys?

24 A. Yes.

25 Q. I'm not a computer expert.

1 A. Uh-huh.

2 Q. But from what I've been told, one of the faster ways
3 to do that is for the expert to take, like, a copy of
4 your phone and then just give it back to you. But
5 that copies everything on your phone. Would that be
6 something you'd be willing to do?

7 A. Yes. We're going back how long? Is it that simple
8 to do? I would like that, just --

9 Q. Sure.

10 A. -- 'cause I don't hand my phone to nobody.

11 Q. I understand. I don't know how long it takes. My --

12 A. Uh-huh.

13 Q. -- understanding is that it could be about an hour.

14 A. Oh.

15 Q. Would that be all right?

16 A. Yes, yes.

17 Q. David, I'm going to show you a document that's been
18 previously marked as Exhibit C and ask you, do you
19 recognize that document?

20 A. Yes.

21 Q. And what is that document?

22 A. I -- I sent this. This is me writing right here.
23 This is my e-mail.

24 Q. Is that a screen shot of your phone?

25 A. Yes, it is.

1 A. Yes.

2 Q. Is that my understanding?

3 A. I respect that. To cooperate, I will.

4 Q. In your prior deposition you told me that the phone
5 number you gave Samantha in text message with her was
6 the 501 number, correct?

7 A. It should have been the 479, because truthfully, on
8 the 501, like I say, I don't give that one out.
9 That's only to confidential, personal, personal
10 friends or family members.

11 Q. You brought your 295-0688 phone with you to the last
12 deposition, didn't you?

13 A. If I remember, I -- I did.

14 Q. And do you remember specifically telling me when you
15 pulled that phone out that --

16 A. Uh-huh.

17 Q. -- any text messages between yourself and Samantha
18 would be on the other phone and you didn't have that
19 with you?

20 A. Yes.

21 Q. But that wasn't true?

22 A. Yes. At the time maybe didn't -- because I remember
23 the -- I was nervous, nervous. But I think --
24 thinking it's 479.

25 Q. As you sit here today, can you tell me that you did

1 Q. After having a chance to review your prior
2 deposition, would you agree with me that in your
3 prior deposition you testified that the phone number
4 you gave Samantha was the 501 number?

5 A. Yes. And I was wrong.

6 Q. You testified previously that you texted her with the
7 phone with that 501 number, correct?

8 A. Yes. And to be accurate, it wasn't that one. It's
9 the 479, which -- everything should be here.

10 Q. So your testimony today is that your prior testimony
11 was incorrect?

12 A. Yes. Everything should be here on the 479/295-0688.

13 Q. And you had your 479 phone with you last time, didn't
14 you?

15 A. Yes.

16 Q. But you didn't bring it with you this time?

17 A. No, no. I don't have it with me. It's in my
18 vehicle. I just didn't want to be -- having somebody
19 call right now. But it's -- it's on me.

20 Q. Okay. Well, if we take a break, would you be willing
21 to go get it?

22 A. Yes.

23 Q. Okay.

24 A. Yes. Certainly.

25 MR. BUCHANAN: I believe there is a court order

1 -- I'd have to look at the court order to refresh my
2 memory -- but that deals with the issue of examining
3 the witness's cell phone.

4 MR. ROSKENS: The Court has required that I not
5 subpoena him to produce a cell phone. However, he
6 has testified right here that he is willing to go
7 ahead and go get it.

8 MR. BUCHANAN: Well, I don't think that's
9 consistent with the court order. I think the court
10 order was entered because it was concerned with
11 Mr. De Leon's privacy and with the concern that he
12 might be intimidated by being required to furnish
13 private information. And I --

14 MR. ROSKENS: Well, let's --

15 MR. BUCHANAN: -- believe your --

16 MR. ROSKENS: -- just -- I'm going to cut --

17 MR. BUCHANAN: -- request is not consistent with
18 the court order.

19 MR. ROSKENS: I'm going to cut this off right
20 now, 'cause I know what you're doing. And we will go
21 ahead and just call the Court right now and see if we
22 can get an emergency phone call in. Let's go off the
23 record.

24 THE VIDEOGRAPHER: We're off.

25 (Discussion off the record.)

1 page of that exhibit. Can you do that now?

2 A. Yeah.

3 (Pause in proceedings.)

4 Q. (By Mr. Roskens) There must be a lot of text messages
5 between you and Samantha; is that true?

6 A. Yes. And I'm up front. You can look at them
7 whenever you want. They're available for you. I
8 don't have nothing to hide. Whatever you want to
9 see. I'm saying whatever you want is here. I'm
10 willing to -- I can't find it, I mean, for whatever
11 reason. But if you want to look at it, go for it.

12 Q. I am prohibited by the Court from looking --

13 A. Okay.

14 Q. -- at your phone. I wish I could. But I apologize.
15 I cannot. So we'll just have to have you look
16 through it and see if you can find it.

17 A. I apologize. I can't find it. But when you get the
18 technician, it's -- all the info will be here. I'm
19 not going to delete any -- I don't delete anything.
20 So everything will be here for you.

21 Q. When is the first text message between yourself and
22 Samantha --

23 A. That I --

24 Q. -- that you have on your phone?

25 A. That I can find. Wednesday, June 29. The time will

1 be 12:19 p.m.

2 Q. That's 2016?

3 A. Yes. This year.

4 Q. And what is that text message?

5 A. I can -- this is her speaking, referring, Hola,
6 David. It's Samantha. This is my new number. It's
7 saying -- if I can translate. Oh, it's in English.
8 Hola, David. Est means it's Samantha. This is my
9 new number.

10 Q. So had she texted you or communicated with you on a
11 different phone number before then?

12 A. That, I don't -- I don't know. She -- that's the
13 beginning. That's what she said.

14 Q. Okay. And what else does she say in that text
15 message? You can just read them to the Court.

16 A. I'm right here. Ready? The first one, I just read
17 it. Hola, David. I'm going to repeat myself again.
18 It's Samantha. This is my new number. I had some
19 issues and was forced to change my number. Then it
20 says, My lawyer said he will be calling you.

21 Q. And what is your response?

22 A. Okay. Is everything good? I don't want to interfere
23 or get in your business. I was worried about you.

24 Q. By the context of that text message it would be fair
25 to say that you and Samantha had already talked

1 before that text message, right?

2 A. Yes.

3 Q. And had you talked to Samantha about having her
4 attorney contact you or about getting in touch with
5 her attorney?

6 A. Repeat that again.

7 Q. Before that text message was sent to you, had you
8 spoken with Samantha about contacting Samantha's
9 attorney or having Samantha's attorney contact you?

10 A. As of my knowledge, going back, I wouldn't remember.
11 But everything you want is here. I -- I'm not going
12 to say something to put myself in a bind that -- if
13 I'm not proving the fact that -- yes or no. I don't
14 know.

15 Q. Well, you understand that during your last
16 deposition --

17 A. Uh-huh.

18 Q. -- you testified under oath that you did not have any
19 conversations with Samantha about her lawsuit or any
20 of the allegations in her lawsuit while you were
21 still employed at QSI. Do you remember that?

22 A. Yes. If that's what it is, that's what it is.

23 Q. You -- your text messages now show that that was a
24 lie.

25 A. Uh-huh.

- 1 Q. Is that correct?
- 2 A. Well, if it shows there, yes. I'm not going to lie.
- 3 Q. While you were still working at QSI you were
- 4 discussing with Samantha the lawsuit and her
- 5 allegations, correct?
- 6 A. Yes. But not in detail. I didn't know -- she didn't
- 7 rephrase, this, this, this, to my knowledge. To my
- 8 knowledge, she didn't say from beginning to end or
- 9 this is what I got, this is --
- 10 Q. After you received that text message, did you talk to
- 11 her attorney?
- 12 A. Yes, I did.
- 13 Q. Who initiated that contact?
- 14 A. I did.
- 15 Q. You called him?
- 16 A. I called him.
- 17 Q. And what was the substance of that conversation?
- 18 A. It was because I was terminated.
- 19 Q. You were terminated in August, right?
- 20 A. Yes.
- 21 Q. But that text message is from June.
- 22 A. Yes.
- 23 Q. So you're telling me that although she says in her
- 24 June text message that her attorney's going to be
- 25 contacting you, he doesn't ever contact you?

1 everything okay -- no. Okay. Is everything good? I
2 don't want to interfere or get in your business. I
3 was worried. Bye.

4 Q. And what is her response?

5 A. I have a question. I don't mind if you just go
6 through --

7 Q. I would -- I would love to do that. But I can't,
8 David. The Court won't let me do that.

9 A. Because I'm --

10 Q. It would be faster and easier.

11 A. I --

12 MR. BUCHANAN: Let me ask a question.

13 A. I'm feeling -- I don't -- I'm not feeling
14 comfortable. So if you want everything, I'm -- I'm
15 up for everything. I -- I really don't want to be
16 doing this.

17 MR. BUCHANAN: Let -- let me ask a question. Do
18 you have a -- are you able on your cell phone to kind
19 of do a search that only has those e-mails and text
20 messages between you and Samantha?

21 THE WITNESS: Everything's here. I don't have
22 nothing. Whatever -- whatever's requested --
23 everything is there. But right now I'm not feeling
24 good right now. I don't know if nervous or whatever.
25 But anything -- I'm up for whatever you're

1 requesting, whoever's requesting. It's right here.
2 I don't have nothing to hide.

3 MR. ROSKENS: I --

4 THE WITNESS: I just don't feel comfortable
5 right now at this moment.

6 Q. (By Mr. Roskens) What you're looking at is an entire
7 transcript of all the text messages between you and
8 Samantha, isn't it?

9 A. Yes.

10 Q. It goes all the way back to your first text message.
11 And it has all the way through the most recent text
12 message, right?

13 A. If you want the last one -- I just don't feel
14 comfortable right now. I'm shaking. I don't have a
15 -- I get nervous quick. And if you want to get the
16 first date like you think you wrote, you can have
17 anything you want, what you're requesting.

18 MR. BUCHANAN: About -- could I just ask a
19 couple questions, just for --

20 MR. ROSKENS: I believe there's a --

21 MR. BUCHANAN: -- clarification?

22 MR. ROSKENS: -- question pending right now.
23 He's looking to see when the most recent one was.

24 A. Okay. It will be Tuesday, November 15, 5:50 p.m.

25 Q. (By Mr. Roskens) You obviously don't have any

1 objection to me reading through those text messages,
2 do you?

3 A. Go for it. Whatever you want.

4 Q. You don't have any objection to Mr. Buchanan reading
5 through those text messages, do you?

6 A. Huh-uh.

7 MR. ROSKENS: It looks like somebody's calling
8 you.

9 THE WITNESS: It's actually my boss.

10 MR. ROSKENS: Do you need to answer that? We
11 can go off the record if you need to answer.

12 THE WITNESS: Yes.

13 MR. ROSKENS: Okay.

14 THE WITNESS: And I'll step outside, 'cause I
15 don't want to --

16 MR. ROSKENS: We'll go off the record.

17 THE VIDEOGRAPHER: We're off.

18 (Discussion off the record.)

19 THE VIDEOGRAPHER: We're back on.

20 MR. BUCHANAN: Can I ask a few questions, just
21 for the purpose of trying to figure out how we might
22 solve this problem without unnecessary work? Is that
23 all right?

24 MR. ROSKENS: Ready to go back on the record?

25 THE REPORTER: We're on, yeah.

1 THE VIDEOGRAPHER: We're on.

2 Q. (By Mr. Roskens) We have taken a short break off the
3 record. Mr. De Leon has informed us that he has to
4 leave by approximately two o'clock to go to work. Is
5 that correct?

6 A. Yes.

7 Q. Mr. Buchanan has requested to ask some questions, I
8 guess to try to reach a compromise here on how we can
9 review these text messages between Mr. De Leon and
10 the plaintiff in a -- in a shorter or easier way.
11 I'm okay with that.

12 EXAMINATION

13 BY MR. BUCHANAN:

14 Q. Okay. Mr. De Leon, about how many text messages do
15 you have on your cell phone there in front of you
16 between you and Samantha?

17 A. Truthfully, a lot.

18 Q. Okay. More than a hundred?

19 A. I don't know about that much. But it might --

20 Q. More than 20?

21 A. Oh, no. Yeah. More than 20 too.

22 Q. Okay. More than 50?

23 A. On a scale, in my opinion, maybe.

24 Q. Okay. And are they --

25 A. A ballpark number, I'm going to say 75.

1 Q. Okay. And are they all in a continuous chain? In
2 other words --

3 A. No, no. At different grace periods.

4 Q. But are there e-mails or text messages from anyone
5 other than Samantha in this list that you're looking
6 at on your telephone right now?

7 A. Secure this -- on this phone, I don't have my
8 e-mails. I have it on the other one. So the e-mails
9 were never ever -- when you have your tech look at
10 it, they're never going to be there. They're never
11 -- they're going to be in the other one. So when I
12 provide my info, there's going to be two cell phones.
13 This has no e-mail setup at all.

14 Q. So the e-mails are on a different phone?

15 A. On a different phone, the 501. We can document that.

16 Q. Okay.

17 A. And it has e-mails from Zamora, from her HR, because
18 they were trying to get me a job, from her husband,
19 trying to get me in his job. And related to -- to
20 this getting involved.

21 Q. Is it possible for you to e-mail or text message the
22 text messages that are on your phone?

23 A. Oh, that I -- I'm not a -- a tech guy. I can't do
24 that. That's what I'm saying. You guys can have my
25 phone. I can't -- I don't know how to scroll through

1 it and do that. That's what I'm saying. My phone is
2 provided for anybody that wants it. Whoever wants
3 the info, it's right there.

4 Q. Okay.

5 A. But I don't know how to do that.

6 Q. Okay.

7 A. If I knew, that would have been maybe as -- like he
8 said earlier, if you were supposed to provide, that's
9 why I went to Verizon. I said, Verizon's going to do
10 what they're going to do. I stepped in there, talked
11 to the management department in regards -- that's --
12 they couldn't provide it.

13 MR. BUCHANAN: Okay. That's all that I had.

14 EXAMINATION

15 BY MR. ROSKENS:

16 Q. David, I had previously asked you to go ahead and
17 read some of the text messages on your cell phone.
18 And you indicated you weren't feeling well and didn't
19 want to do that; is that true?

20 A. Yes.

21 Q. As -- as we sit here today, if I asked you to read
22 additional text messages, will you refuse to do so?

23 A. As I'm refusing now?

24 Q. I'm asking you, will you refuse to do so, or will you
25 do it?

1 A. When I just -- I don't feel good right now. Nervous.
2 Or I get nervous pretty quick, as you remember the
3 last time. But that's what I'm saying. My thing to
4 solve the problem, it's here. Just have your tech
5 look at it.

6 MR. BUCHANAN: Well, I have no objection if the
7 only text messages that -- that we're looking at are
8 those between David and Samantha. I have no
9 objection to both of us looking at them and reading
10 it into the record.

11 Now, I realize that is somewhat inconsistent
12 with the judge's order. I would doubt that the judge
13 would be upset if we reached some reasonable
14 accommodation of that nature. But I'll leave it up
15 to you as to whether you want to do that.

16 MR. ROSKENS: I'm not going to violate the
17 Court's order. We had a discussion that
18 unfortunately, was not on the record here, but was
19 recorded, I believe, by the Court. And I asked
20 specifically for that reason whether I could look at
21 the phone. And the Court was very clear that we are
22 prohibited from doing so.

23 So I am not going to violate the Court's express
24 order. If you want to read messages into the record,
25 I can't prevent you from doing so.

1 I would also like to inquire into text messages
2 between Mr. De Leon and Samantha's husband, as well
3 as text messages between Mr. De Leon and
4 Andrew Buchanan and his firm and text messages
5 between Mr. De Leon and former and current employees
6 of my client. So there's -- it's a little broader
7 scope than just Samantha.

8 THE WITNESS: There's also HR from her
9 department too, if you want them. Everything's
10 there. I don't have nothing to hide. Everything's
11 there. Everything's there.

12 MR. ROSKENS: I understand that you're willing
13 to provide it. Unfortunately, we are bound by the
14 Court's order that prohibits us from looking at or
15 from downloading it from you.

16 THE WITNESS: I have another question, man. I
17 don't know how this works. But I don't know if we're
18 going to see each other again or whatever. But what
19 were you saying, that guy, if he can go in advance,
20 don't go two days before, because I got things to do
21 too. My life -- he goes, like, two days before and
22 says, Oh, you got a court date. I'm, like, come on,
23 man. I got -- I got to go to work too. I can't just
24 -- I can't afford to miss work just --

25 Q. (By Mr. Roskens) You're talking about when you get

1 served with --

2 A. When -- when I get served, yeah, it has to be in
3 advance too. I got my life. You know, I live day by
4 day, you know.

5 Q. I apologize for that. Unfortunately, again, I was
6 ordered to do that by the Court --

7 A. Uh-huh.

8 Q. -- with less than a week before the deposition.

9 A. Yeah, okay. And I -- well -- and I thank you for --
10 now that I know, I got to respect that. But what I'm
11 trying to say, it's personal life, you know. I can't
12 afford to miss work. I'm just putting it that way.
13 I know it was requested by you. But in advance, you
14 know, I can call, 'cause this is making me look bad.
15 I can't afford to miss work. That's just how it is,
16 you know.

17 Q. I understand. Mr. De Leon, I intend to ask you
18 questions about text messages on your phone between
19 yourself and Samantha, between yourself and
20 Samantha's husband, and between yourself and
21 Andrew Buchanan and between yourself and any
22 employees or former employees of my client, QSI.

23 A. Uh-huh.

24 Q. If I'm going to ask you to read those into the record
25 today, will you be willing to do so?

1 A. I don't want to do it today.

2 Q. You don't want to do it today?

3 A. No.

4 Q. Would you be willing to do so at a later time, or is
5 it your preference that you just produce your phone
6 and have us look at it?

7 A. Yes. I -- consuming time, and it's easier. I mean,
8 I don't know if it's favor for you. But I -- take
9 it. Even if you want to take it for a week, I don't
10 want nothing to do with it.

11 Q. Mr. De Leon, if we are able to convince the Court to
12 allow us to do that, are you willing to reappear so
13 that I can ask you questions about text messages that
14 we obtain from your phone or e-mails?

15 A. I want to cooperate and do my part. So I will do it
16 for you.

17 Q. You will?

18 A. I will do it for you. I want to come out clean.
19 When will be this date so I can put it on my
20 schedule?

21 Q. I don't know. We are kind of in a bind here with the
22 Court. So --

23 A. Oh, okay.

24 Q. -- I don't know when the Court will rule on it. I
25 don't know if the Court will even allow us to do it.

1 So that's why we're in the situation we're in. I'm
2 going to ask you a few more questions about
3 Exhibit 18, the text messages.

4 A. Uh-huh.

5 Q. Do you still have that in front of you?

6 A. Yes.

7 Q. Now, the bottom of the text message there, there's a
8 portion of the screen shot that looks to me like a
9 photo of a -- of a document. Do you see that, on the
10 last page of Exhibit 18?

11 A. Yes.

12 Q. Did you sent that photo to Samantha?

13 A. If it's coming from my phone, yes. And I remember.
14 I think I did send that.

15 Q. Did she ask you to send her photos of documents
16 having the names of individuals working at Noel?

17 A. I did.

18 Q. She asked -- you asked yourself?

19 A. No, no, no, no. I did. I sent it myself.

20 Q. I understand you sent it. My question is, did she
21 ask you to send it?

22 A. No.

23 Q. You just sent that on your own accord?

24 A. Yes.

25 Q. Did Samantha ask you for the names of persons that

1 were employed by my client, QSI?

2 A. No. I did.

3 Q. You did what?

4 A. I sent them.

5 Q. I understand you sent them. I'm asking you, did
6 Samantha ask you for the names of employees at QSI?

7 A. No.

8 Q. Did she ask you to send copies of sign-in sheets?

9 A. No. I did.

10 Q. You did that on your own?

11 A. I did it on my own.

12 Q. For no reason?

13 A. For no reason.

14 Q. And in your last deposition I asked you multiple
15 times about what your text messages with Samantha
16 were. And you didn't ever mention to me that you
17 were sending her photos of sign-in sheets or of
18 employees, did you?

19 A. I don't remember. But if it's from my phone, it's
20 me.

21 Q. Well, can you tell me and the jury why it is that you
22 didn't disclose that you were taking pictures of
23 documents from QSI and sending them to Samantha?

24 A. Why I didn't? Repeat that again.

25 Q. Why didn't you tell us last time when I asked you

1 about your text messages that you had been taking
2 photos of documents, QSI documents, and sending them
3 to Samantha?

4 A. Because at the time it didn't hit my head. But I was
5 wrong for not maybe answering that properly. But now
6 I'm rephrasing myself again right now. I did it. I
7 did wrong, if that's what it is.

8 Q. Well, is this part of the reason why Samantha offered
9 you money, so that you would send her documents?

10 A. No.

11 Q. Did you send her any other documents?

12 A. Whatever's going to come up there, that's what it is.

13 Q. When you say Whatever's going to come up where?

14 A. It's like you say this little picture right here
15 (indicating) that you just asked about documents,
16 that's one of them, yeah. I send it myself.

17 Q. Mr. De Leon, just so you understand, I've asked for
18 text messages between you and Samantha. But
19 Samantha's only giving me what you're looking at
20 there for Exhibit 18. Yet you've testified today
21 that in your own belief, there's approximately 75
22 text messages between you and Samantha, correct?

23 A. Correct.

24 Q. So I'm at a bit of a handicap. I don't know what the
25 text messages are between you and Samantha.

1 former QSI employee that you've attempted to contact,
2 correct?

3 A. Yes.

4 Q. And why were you trying to reach Erica?

5 A. At the moment I don't even remember. It had to be
6 for something. Maybe related to this.

7 Q. Did you ever reach her?

8 A. I -- I did. She sent me a text. I think hers I did
9 delete. But it will be there. You say, the tech can
10 find everything.

11 Q. You believe --

12 A. I think I deleted hers.

13 Q. If you've told us multiple times that you don't
14 delete anything, why would you have deleted your text
15 messages with Erica Ortiz?

16 A. Okay. Come on. I don't -- I go to the thing that
17 every person that I text in the world are here.
18 Some. Okay. The majority. I text today somebody.
19 Okay. Well, I'm not going to go back right now and
20 say that one's saved. Some of them are. Not all of
21 them. Some of them are.

22 Q. My question to you, Mr. De Leon, was why did you
23 delete your text messages with Erica Ortiz?

24 A. I don't have an answer for you right now.

25 Q. When did you contact Erica Ortiz?